Supreme Court, U. S.
FILED
AUG 16 1976
MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

October Term, 1976

No. 75-1672

IRVIN E. GUSTAFSON, individually and on behalf of all others similarly situated, and as next friend of CAROL GUSTAFSON, Appellants,

vs.

LINUS HOFFMAN and WALTER SPENCER, d/b/a ORBIT AUTOMOTIVE, Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW MEXICO

MOTION TO DISMISS OR AFFIRM

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Appellees move the Court to dismiss the appeal herein without direction for entry of a fresh judgment below, or, in the alternative to affirm the judgment sought to be reviewed on appeal.

The motion to dismiss is based on the ground that the appeal is not within the jurisdiction of this Court because it is not taken in conformity to statute. The alternative motion to affirm is based on the ground that it is manifest the questions on which the decision of this cause depends are so unsubstantial as not to need further argument.

In support of this motion Appellees incorporate by reference the Brief Amicus Curiae of the New Mexico Automotive Dealers Association filed contemporaneously herein.

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